

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSH MCCLOUD,
Petitioner

v.

GERALD ROZUM, et al.,
Respondents.

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Civil Action No. 11-2 Erie

Magistrate Judge Baxter

REPORT AND RECOMMENDATION

AND NOW, this 17th day of February, 2011, after Petitioner presented a petition for a writ of habeas corpus which he seeks leave to prosecute in forma pauperis, and it appearing that he has an average monthly balance of \$ 19.80 in his account at the State Correctional Institution at Somerset, Pennsylvania, which sum exceeds the \$ 5.00 filing fee required to commence this action, and it further appearing that requiring the Petitioner to pay the filing fee will not deprive him of any necessities of life at the prison,

It is recommended that leave to proceed in forma pauperis be denied.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72(a) of the Federal Rules of Civil Procedure, the parties are allowed fourteen (14) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of some appellate rights. See Nara v. Frank, 488 F.3d 187 (3d Cir. 2007).

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge